

MINUTES
TOWN OF EAST FISHKILL
TOWN BOARD MEETING
JUNE 24, 2021
7:00 p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on June 24, 2021 was called to order at 7:00 p.m. by Supervisor D'Alessandro.

Supervisor's Announcements

Supervisor D'Alessandro stated Mark Debald, from Dutchess County Transportation Council, gave a presentation on Dutchess County Moving Forward.

Mr. Debald had a 20 slide presentation. He covered the plan overview, which includes a 20 – 25 year look into the future, the Vision Statement, and the goals. They do have the information available in many formats.

Supervisor D'Alessandro stated that the Sons of Italy Festival was on Memorial Day weekend. On the Monday following, the Manny Bacon American Legion Post hosted their Memorial Day Ceremony. It was Doug McHoul's 50th year as MC. It was a well-attended event.

June 1st was the first in person DC Mayors and Supervisor meeting. The Executive Committee for the group met with County Executive Marc Molinaro to discuss the American Rescue Plan and some other items.

June 6th was the East Fishkill Historical Society's Annual Strawberry Festival. It was well attended.

June 7th Supervisor D'Alessandro met with the Beacon Mayor, the Town of Fishkill Supervisor, and the Town of Wappingers Supervisor to discuss assessments and the advantages and disadvantages of merging with the County.

There was a retirement party for a few employees from the Highway Department and Supervisor D'Alessandro congratulated them all and thanked them for their many years of service.

The Town has decided to go with the Employee Assistance Group, which will supply Town employees with more benefits at a decreased cost to the Town. He thanked the HR Director and Comptroller for their work on this.

The Tax Office has moved to the old Town Hall, next to the Police Department. All the work was done in house and Supervisor D'Alessandro thanked the Highway Department for their assistance and the Tax Office for making the move go so smoothly.

There is a new water treatment facility that the Town has been trying to do a dedication for at the Hopewell Hamlet Water District. They have been trying to get

Congressman Maloney and Senator Schumer's office together because one of the larger recipients of the filtered water is the Hopewell North Water District, which was funded completely by the EPA. Supervisor D'Alessandro will inform everyone when a date is selected. There are still some ongoing issues with the system. The Town is moving forward with a paving plan to repave all of the roads in the Hopewell North Water District. They will move forward when the results from the EPA's forensic report are received. There are concerns about loss of funding for those roads or repairing them now and needing a larger repair to the system that could require ripping up the new roads later. The bid will be awarded tonight for the paving.

East Fishkill is going to be in another movie, which is a comedy series called Life and Beth for Hulu. They will be filming at Red Wing Park on July 6, 7, and 8. The park will be closed to the public during that time. He thanked the Clerk's office and the Recreation Department for helping to facilitate this.

The Town of East Fishkill maintains the cemeteries. Supervisor D'Alessandro thanked Tony Cavalluzzi and Anthony Pisciaata for repairing a headstone in a Stormville Cemetery.

Tomorrow Senator Kristen Gillibrand, NYS Attorney General Leticia James, Senator Sue Serino, and Dutchess County Executive Marcus Molinaro will be having a press conference at East Fishkill Community Center regarding legislation protecting seniors against financial scams at 11:30 am.

Last week Supervisor D'Alessandro had a phone interview with the Poughkeepsie Journal regarding a story on the former IBM East and West campuses and the changes over the years. He thanked the Town Board as well as past boards and supervisors for their vision towards getting some of these older sites redeveloped. Supervisor D'Alessandro wanted to clarify a few things regarding the Amazon site. There is a tax pilot giving them tax breaks, but they will still be paying double what is being paid for taxes on that site now. There will be 500 full-time jobs and 600 part-time jobs. There is also a multimillion dollar traffic rehabilitation project associated with this. Please call any board members with any questions at any time.

Roll the Call: Supervisor D'Alessandro asked Town Clerk Hurray, via video, to call the rolls.

Board Members in attendance:

Peter	Thomas	Emanuele	Anil	Nicolas
Cassidy	Franco	Marinaro	Beepahan	D'Alessandro

Also in attendance:

Thomas Wood, Attorney; Scott Bryant, Engineer; Chief Bellino, East Fishkill Police Department; Ken Williams, Highway Superintendent. Clerk Hurray was attending via video.

Public Hearings:

1. Public Hearing Considering the Formation of the Route 52 Water District

Motion to open the Public Hearing: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated they have been discussing this with GlobalFoundries and Dutchess County for a long time.

Attorney Wood stated there are two actions before the Town Board. The first is to consider forming a water district that would include all of the properties that were formerly totally owned by GlobalFoundries and are now owned by GlobalFoundries and iPark. It is eight parcels. When it was all one parcel the water was supplied by Dutchess County Water Authority through the main pipe that comes down from the plant in Poughkeepsie. The contract for that was with IBM and is now with GlobalFoundries. They have been providing all of the water to the entire site. Under New York State Health Law, now that it is separate lots, they are not allowed to supply water to other parcels because they are not a water provider. They are asking permission to form what's known as a Transportation Corporation to operate the Hudson Valley Research Park Waterworks. This company would then have the legal right to provide water to all of those lots and still have some contractual commitments that GlobalFoundries has to iPark as well as conditions and water supply to the Town of East Fishkill. The cost to the consumers of the water within the commercial district are all subject to regulation by the Public Service Commission. The hearing tonight is to consider forming a water district to include that property because, should at some point in the future, should something happen and the corporation cannot meet its obligations, then the operation would default to this Town District. It would still be paid for by the same property owners, but the Town would have to administer the district at that time. It has happened once or twice over the years with private water companies, so this is being done proactively.

Supervisor D'Alessandro stated this is the Town's redevelopment zone for the East and West campus. Currently they get a 2,000,000 gallon allotment a day and the Town has a contract with them to provide water for expansion for the Town for economic development.

Supervisor D'Alessandro asked if there were any questions or comments from Board members.

Board Member Marinaro asked how many members were in the Transportation Corporation and who decides who sits on the Corporation. Attorney Wood stated it is treated like a not-for-profit corporation so it is being formed by GlobalFoundries so they will be operating it. The legal requirements is that if the

site transfers to another chip manufacturer, which we know in two years it will go to On Semiconductor, then On Semiconductor will be that corporation. If the Town wanted to take over the system there would be no cost for it. Board Member Marinaro asked if the town had any supervisory component. Attorney Wood stated the Town has no legal obligation, but always monitors these private districts. The best agency to supervise it is NYS Department of Health for the water quality and the Public Service Commission for the cost and operation.

Supervisor D'Alessandro asked if there was anyone from the public to speak for or against the formation of this Transportation Corporation.

Resident number one asked if this water district was affecting any of the residential areas. Attorney Wood stated no. The resident stated the environmental study does not look very thorough. She asked if there was something else that's been thoroughly done. Attorney Wood stated there was an extensive environmental impact study performed when the redevelopment zone was created. That is available for review. The resident asked if there would be any issues such as the ones with Hopewell Water District. Attorney Wood stated that the system is already completely built. Supervisor D'Alessandro stated a Water Transportation Corporation is to provide water across property lines and this is for properties that were just part of IBM originally. Attorney Wood stated the not-for-profit will have to submit a budget and the rate costs to the PSC. There is already a Sewage Corporation as there is a sewage treatment plant on site. The Planning Department has the Environmental Impact Study.

Motion to close the Public Hearing: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

a. Adopt Negative Declaration

Motion to adopt a Negative Declaration: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

b. Adopt an Order to Form the District

RESOLUTION

ORDER ESTABLISHING THE
ROUTE 52 COMMERCIAL WATER
DISTRICT

A MEETING was conducted by the Town Board of the Town of East Fishkill on Thursday, June 24, 2021 at 7:00 pm at the Town Hall located at 330 Route 376, Hopewell Junction, NY at which time the following were present:

NICHOLAS D’ALESSANDRO

Supervisor

PETER CASSIDY

Deputy Supervisor

THOMAS FRANCO

Councilman

EMANUELE MARINARO

Councilman

ANIL BEEPHAN

Councilman

WHEREAS, an application was made to consent to the formation of the Hudson Valley Research Park Water Works Corporation, and this Board has determined if consent is granted a water district should be established in case the corporation defaults in its obligations;

WHEREAS, the Town Board on its own motion determined to form a district with the same boundaries as the service area of the Water Corporation; and

WHEREAS, the Town Board on April 22, 2021 adopted an Order Calling a Public Hearing on the establishment of the above district; and

WHEREAS, copies of said order were duly published and posted according to law, and said Town Board did, at the time and place specified in said order, duly meet and consider such proposal and heard all persons interested in the subject thereof, who appeared at such time and place, concerning the same; and

WHEREAS, the evidence offered at such time and place requires that the Town Board make the determination hereinafter made;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board, in the County of Dutchess, that it be and hereby is determined as follows:

- (1) The notice of hearing was published and posted as required by law and is otherwise sufficient.
- (2) That all of the property and property owners, within the proposed Water District are benefited thereby.
- (3) That all of the property and property owners benefited are included within the proposed Water District.

- (4) It is in the public interest to establish the proposed Water District as hereinafter described, and

BE IT FURTHER RESOLVED, that the Town Board does hereby approve the establishment of a Water District as hereinafter described to be known as Route 52 Commercial Water District, Town of East Fishkill, Lot 1 thru 8 on Filed Maps Numbers 12692 and 12685; and

BE IT FURTHER RESOLVED, that no improvements are being made as the water system that exists is privately operated; and

BE IT FURTHER RESOLVED, that this resolution is subject to a 30-day permissive referendum; and

BE IT FURTHER RESOVLED, that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution, in duplicate in the office of the State Department of Audit and Control, at Albany, New York.

Dated: East Fishkill, New York,
June 24, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF EAST FISHKILL,
DUTCHESS COUNTY, NEW YORK

CAROL HURRAY

Town Clerk

Motion to adopt an order to form the District: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

2. Public Hearing to consider Amending the Zoning Ordinance to Create an Overlay District for the Route 52 Corridor as well as to Address Existing Residential uses in B Zones

Motion to open the Public Hearing: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated this is something they have also been dealing with for a while. The Town Board placed a moratorium on Route 52 from the Taconic State Parkway to Blue Hill Road. There is not much infrastructure in place in the area as well as contaminated water and no sewer. There are traffic problems in the area. The Town hired a planning professional to do a comprehensive look at that corridor. They would like to have infrastructure to help

with the contaminated wells along the corridor and to try to expand economic development.

Attorney Wood stated the Town Planner did supply him with some of the report results that was performed. Unfortunately, the moratorium was longer than they had anticipated due to Covid and some other issues. Several of these studies were performed including a traffic study. The Town engaged Behan Associates who are planning consultants who did the planning study of that corridor. They did a land-use inventory and gave the Town Board two presentations about some potential uses that could be there. Route 52 is a state highway and sometimes it can take a long time for the state to make repairs. Some communities looked to see if there is development that could be encouraged in the site area and what infrastructure improvements could come from allowing that type of development. When the Board started this they were thinking a higher density residential use would perhaps generate the ability to fix the traffic problem on Route 52 and bring sewer and water extensions from Hopewell Hamlet. Between the traffic study and the infrastructure analysis the cost of those are so great that the number of units that would have to be allowed would exceed whatever expectation they would have for that corridor. They are now proposing an overlay zone in that corridor which cleans up some currently existing issues for property owners. There are certain properties that are split zones. This will allow for parcels with business use in the front of residential and the back to extend the business further into the lot. There are some homes that were built before it was zoned business and they are now nonconforming residential uses. Because they are nonconforming, they cannot have all of the amenities that any of the residential homes in the town could have. This would allow a pre-existing residential home in a B-1 zone in this area to have those amenities as any other residential district. It also triggers some other uses such as permitting an assisted living facility to be developed on the sites. It would have to have public sewer and water for that type of facility but the thought was to see what would be proposed and then the Town Board could always consider variations of that. It would also allow for a mixed-use concept so a commercial building could have a second floor with up to five apartments which would allow mixed-use. It would allow a neighborhood grocery store type use and would formalize the ability of restaurants to have outdoor dining in that area. It would eliminate some uses that are currently allowed. Those are the heavier uses that most people feel should be in a more industrial area such as contractor starts. It would not allow any more gas stations in the area, outdoor storage, or motor vehicle repair shops.

Supervisor D'Alessandro stated it is tricky to come up with the proper balance, but they are trying to encourage economic development and are trying to bring other infrastructure down that corridor.

Supervisor D'Alessandro asked if there was anyone to speak for or against this overlay district.

Toni Taylor stated that plan sounds like a great way to access state resources and it seems like the perfect opportunity to bring in other developers outside funding sources. She asked if any of those things have been identified yet. Supervisor D'Alessandro stated this is all private property so that would be private property deals. There is no RFP process. Anyone wanting to put something such as assisted living facility would have to come in apply for this overlay use and then the Town Board would either deny or allow it. There would then be a fully thorough public vetting of the project.

Dan Leary is an attorney representing JFE Associates. They are at 2528 Route 52. The site is approximately 26 1/2 acres and is currently approved as an indoor and outdoor sports facility. It has a driving range and batting cages but most of it remains unimproved. It is within the proposed overlay district. Through a series of extensions the property has been under contract since August of 2019. Right now the buyer is waiting for the conclusion of the moratorium and the outcome of the zoning amendment. His office reviewed the Behan report and it called for incentive zoning. That means that density and other things would be tied to incentives for creating the infrastructure that the Town is looking for. This law, as drafted, does not have that in it at all. It does have a requirement that developers contribute to the infrastructure, being the sewer and water and the road improvements. It does not create any incentives for them to do so. Mr. Leary feels that is a major void in something that the Board needs to look at. The Behan report also recommended a Hamlet like mixed use for this corridor. What the law proposes right now is one building with a five residential unit limit on it. He does not see a Hamlet area being created with that kind of limitation. He suggested instead of precluding residential uses they look at things on a case-by-case basis and have each application do its own traffic study. He feels there should be an incentive in the zoning. He does not feel that projects that the Town are looking for will come to this area the way this is currently drafted. Jay Annis, one of the principles in JFE is here and with their contacts in the real estate world they feel there is no market for assisted-living in this particular location. He stated the 25% building coverage for assisted living is actually less than the current building coverage of 35%. He stated the way it is currently drafted is confusing in regard to the ancillary uses. He stated they did not attend the Planning Board meeting where this law was reviewed but did watch the video and the Town Planner stated that his applicant's piece of property is underutilized. They do agree with that statement. They do feel that the draft as it exists now does not help them properly utilize this property. They strongly urged the Board to consider a continuing review of this and to not act on it at this point. Mr. Leary stated the other issue is in regard to uses that are permitted currently that are going to be eliminated. They feel the underlying zoning district is actually being reduced in terms of what permitted uses are available. He does not see applicants and projects coming to this site the way this zoning is currently drafted.

Supervisor D'Alessandro stated there are limitations on this stretch of Route 52 with limited water and sewer infrastructure. They would like projects to come in

and bring that infrastructure for the cost to bring water and sewer is very expensive. In order for a project to pay for the water and sewer extension to this area it would be hundreds of units. That number exceeds the number of units that this Town Board or the public would like to see. He stated he understands the draft is not perfect, but it does benefit most of the properties in this area. There is something for mixed-use for residential and business. It is not a large quantity but their hope is that the residential units above will help the businesses below. It is the formation of a small Hamlet which is what was their desire. They do understand they may need to revisit this as each project comes forward as there is no water and sewer available. Supervisor D'Alessandro asked what the building coverage is now for the current assisted-living. Attorney Wood stated he did not know. Supervisor D'Alessandro stated maybe they could increase that lot coverage the same as the current base. Assisted-living would be a wonderful addition to the Town. It produces good jobs and has light traffic.

There were no other public comments. Supervisor D'Alessandro asked if there was anyone from the town board with questions or comments.

Board Member Marinaro stated they have been discussing this area for several years. When the Town Board review the studies they need to look at the whole picture, not just one individual parcel at a time. The biggest problem there is the traffic. There were an incredible amount of complaints received while the State was repaving that section of road recently. They are trying to address an issue that has not been addressed in a very long time. He stated that as a town resident, he would like to see some kind of alternative road in case there is a catastrophe of some kind and traffic has to be moved quickly. He stated this plan may not be perfect but it is the beginning and it is not written in stone.

Board Member Beephan stated there is not a week that goes by that he does not receive comments regarding overcrowding in this Town. People that have lived here a long time seeing the difference in the traffic when they leave their homes. This plan is a start. The study that Behan did does reflect the sentiments of a lot of people across the Town. If and when the time comes it can be reviewed again.

Board Member Cassidy stated this is just a starting point for them to move on from. They can either adopt this or keep the moratorium in place, which is not what anyone wants to do. He feels senior housing is really what is needed.

Resident number two stated she loves the idea of proposing senior housing, but feels the board is looking at it from a business standpoint and not the view of the residents that are currently aging out of their homes. Board Member Franco stated that is what they have been doing. They do want the seniors to be able to stay here.

Supervisor D'Alessandro stated there is a senior housing project that was approved by the Town Board. It will start construction soon. There is no assisted-

living that has been brought forward. This does not preclude any project from coming before the Town Board. They could review the project and then make changes at that time if necessary.

Resident number three stated that the assisted-living people are saying there is no market here yet. It is not dense enough yet. He stated they had taken away warehousing in this area, which is one of the hotter aspects now, allowing 675,000 ft.² of warehousing 2 miles down the road. Supervisor D'Alessandro stated that is in an industrial site. Board Member Beephan stated that is not going on local roads. Resident number three stated that a warehouse on his property would not be generating that much traffic. Supervisor D'Alessandro stated they still have the option for mixed-use on the property. Resident number two stated no one is going to build commercial with five apartments because helping with the infrastructure is not going to pay. He stated he did not see anyone building a strip center with five apartments over it. He stated there are things they would like to have further discussion on and suggested maybe the Board not vote on this tonight.

Board Member Cassidy asked if they don't vote on it, what happens. Attorney Wood stated that the moratorium expires and parcels would be allowed to use the B uses as they currently exist until such time as the Town Board amends the zoning. Board Member Cassidy asked if they could vote on it and agree to meet with a parcel owner at the same time. Attorney Wood said yes.

Board Member Marinaro asked resident number three if he has reviewed all of the presentations. He asked if they have an idea what they would like to put there. Resident number three stated they have had an agreement since August of 2019 for someone to come in and buy the property with no specifications as to what future zoning would be and no site plan approval needed. They were ready to buy the property as is. Now two years later with the moratorium there is an overlay district. Board Member Cassidy asked what they wanted to build and resident number three stated he did not know. Supervisor D'Alessandro stated the Town Board does not make actions for one particular piece of property. This is for a whole corridor. If there is a project to be had it can come before the Town Board to be discussed.

Motion to close the Public Hearing: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

a. Adopt Negative Declaration

Motion to adopt a Negative Declaration: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

b. Adopt Local Law

Local Law No. 3 of 2021**(Adoption of Taconic Parkway Overlay District and Zoning Regulations Pertaining to B Zones)****Section 1: Legislative Intent**

The Supervisor and Town Board have been reviewing ways to encourage orderly development that benefits the residents of the Town of East Fishkill and improves infrastructure in the vicinity of the Taconic State Parkway. The Overlay Zone would allow mixed uses without burdening the local community.

In addition, certain residents own homes in “B” Zones. These residents do not have the same flexibility to use their properties as owners of homes in “R” Zones by lacking the ability to do things such as install swimming pools. This local law intends to address these disparities.

Section 2: Adoption of the Taconic Parkway Overlay District

The Town Board of the Town of East Fishkill hereby adopts the Taconic Parkway Overlay District and adds the following language to the Town Code:

A. Purpose and Intent. The TPOD is intended to appropriately manage and encourage orderly future mixed use development in the commercial portions of the Route 52 corridor by providing for a range of uses and housing types that meet the needs of the Town while also providing suitable infrastructure and amenities such as sewer, water, sidewalks and road improvements that will support the development of the district as a walkable, emerging hamlet center. The purposes of the TPOD include:

1. To encourage and support new economic development in the Town while also providing for infrastructure improvements;
2. To encourage appropriate use, scale, setbacks, height, design and density that serves to transition from commercial to residential areas and enhance the public streetscape and pedestrian environment;
3. To encourage new types of residential communities that offer housing and services to the senior population;
4. To provide the community with a variety of housing styles and options and to provide residents with the ability to live in one's own community safely, independently, and comfortably, regardless of age, income, or ability levels.
5. To recognize and preserve the district's important water resources and natural features including wetlands, a fen, and various streams and adjacent natural areas and forest land and incorporate these areas into the open space landscape of the hamlet, creating local recreational opportunities and contributing to a unique neighborhood character and destination.

B. Location. The TPOD shall be considered to be superimposed over any underlying zoning districts and shall apply to those parcels shown within the boundary of the TPOD as depicted on the map enclosed herein and includes any parcels wholly or partially within the overlay zone which shall include land in the business districts located 500 feet east of Blue Hill Road and extending west to the Taconic State Parkway. Any land not mapped by the Town Board as part of this overlay District shall not be part of the district, and the map shall take priority over any conflicting language in this subsection.

C. Design principles. The objective of the TOPD is to promote traditional hamlet-style design. New buildings should relate to the traditional architectural character consistent with those established, or to be established, in the TOPD and in accordance with that zoning district's development standards, as well as enhance the streetscape and develop aesthetic qualities that may not currently exist. Specifically, the design principles are intended to:

1. Provide a limited mix of primarily retail, service businesses and light commercial opportunities in the TPOD.
2. Encourage infill development and the reutilization of existing buildings.
3. Permit the construction of new buildings by the sidewalk and street edge (building line) to help promote walkability.
4. Promote pedestrian activity by providing a safe and walkable environment and pedestrian amenities.
5. Create a tree-lined corridor that is aesthetically pleasing.
6. Minimize the visual impact of the automobile by focusing site design on the central role of the building architecture, landscaping, and other softening amenities, and thereby manage the placement of parking areas, such as providing these in the rear of buildings and screening these from view from the street with landscaping, stone walls and site grading.
7. Encourage the development of shared parking between nearby uses.
8. Protect important natural and historic features.

D. Design Standards.

1. Site standards.

(1) Site development.

- i. Multiple buildings and uses are permitted on a lot in the TOPD District.
- ii. Connections between parking lots situated to the rear and the retail frontage are desirable. Wherever practical, sidewalks and/or walkways should be available to enable pedestrians to safely move from parking located in the rear of the building to the street front, and, where applicable, through-store passages should also be provided.
- iii. The ground floor should reinforce retail continuity along specified street frontages. The frequency of store entrances along streets is important in maintaining retail continuity and viability. In new buildings, a maximum distance of 40 feet between individual store entrances is encouraged.
- iv. Nonresidential buildings shall have a maximum front yard setback of 20 feet, to encourage an interesting pedestrian environment.
- v. Balconies, bay windows, cornice features, and open porches are encouraged and may extend up to five feet into the front yard setback.

- vi. Development density is predicated upon the provisions of safe and adequate on-site (on-lot) sanitary wastewater (septic) systems or public sewer systems.
- vii. New developments should make use of existing structures wherever possible and desirable, as determined necessary by the Planning Board. Rehabilitation of historic structures should be encouraged and conducted in conformance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

2. Street standards.

- (1) The street network should follow a generally rectilinear pattern. In addition, there should be conservation of the street layout as it connects to county and state roads in order to provide for access management.
- (2) Streets shall be designed to follow existing terrain as much as possible, to minimize earthmoving and disruption of the existing topography.
- (3) Streets shall minimize alteration of natural, cultural, or historic features.
- (4) Streets shall be aligned, where possible, so that the "terminal vista" is of civic buildings, greenway land (greens, commons, squares, or parks), or natural vistas or other visual amenities.
- (5) Streets shall promote ready and safe pedestrian movement, including pedestrian-through connections between streets using sidewalks and trails when cul-de-sac are proposed.
- (6) Streets shall be designed to calm traffic speeds, such as through the provision of complementary landscaping, including but not limited to street trees.
- (7) Streets shall intersect at right angles whenever possible, with preservation of adequate sight lines (triangles) at the intersection.

3. Concrete sidewalks required.

- (1) Sidewalks shall create a linked network of walkways connecting different uses, such as businesses and residences, with parks or open space.
- (2) Sidewalks shall be no less than five feet wide and shall be ADA compliant.
- (3) Sidewalks shall be constructed of concrete or concrete with brick paver borders where possible.

4. Street Landscaping

- (1) Street tree landscaping shall be provided along both sides of streets.
- (2) There shall be one shade tree (minimum of three-inch caliper at four feet in height) provided per every 30 linear feet to 35 linear feet of street frontage. Existing street trees that are judged to be healthy or otherwise deserving of protection should be preserved to the maximum extent possible.

- (3) Street trees should be tolerant of heavy, wet snow, salt, and sand deposited with snow removal, and should be drought-tolerant.
- (4) Trees should cast moderate shade in summer and should be of a type that branches at least eight feet above ground level.
- (5) Property owners shall have responsibility for planting and maintaining trees along street frontage(s) within the Town's right-of-way.

5. Street Lighting

- (1) Streetlights shall be no more than 10 feet to 15 feet in height and utilize a downward-facing fixture that channels light onto the street and sidewalk and should be located in such a manner as to prevent objectionable light and glare.

6. Driveways and parking.

- (1) Parking lots and garages shall be located to the rear of a building wherever possible
- (2) In order to facilitate fewer curb cuts, shared driveways should be encouraged. Provisions satisfactory to the Planning Board shall be made with respect to the ownership, use, operation, and maintenance of all common driveways. Such responsibilities shall be documented in a legal instrument that assures the continued layout, maintenance, and upkeep of the common drive as intended by the owners and successors.
- (3) Driveways serving a mix of uses and two-way traffic should be 22 feet wide. The Planning Board may require a traffic analysis performed at the expense of the applicant to inform its decision.
- (4) Shared parking and landscaping shall be encouraged where feasible.

7. Site landscaping.

- (1) Required landscaping shall be permanently maintained in a healthy growing condition at all times by the property owner or its assign.
- (2) Site trees should be no smaller in diameter than three-inch caliper at four feet in height at the time of planting. The density of site trees shall be at the discretion of the Planning Board as determined necessary for screening and aesthetics.
- (3) Species shall be drought- and salt-tolerant, and there should be consideration of how to provide for the stockpiling of snow in relation to landscaping.

8. Site lighting.

- (1) All exterior lights shall be designed and located in such a manner as to prevent objectionable light and glare from spilling across property lines.

- (2) Exterior lighting should be architecturally compatible with the building style, material, and colors.
- (3) Driveway parking lot lights and other lights shall be 10 feet to 15 feet in height. Cutoff fixtures are preferred over cobra-type light fixtures and directional floodlights.
- (4) Accent or decorative lighting for buildings, walkways, and landscaping is encouraged but shall consist of incandescent bulbs of no more than 100 watts and shall be focused directly on the intended object.
- (5) Loading and delivery areas may be shared between nearby uses, and the requirements shall be determined by the Planning Board on a case-by-case basis.
- (6) Mechanical equipment, garbage containers, and electrical transformers should be concealed from public view on all sides by architectural elements and/or landscaping satisfactory to the Planning Board's approval.

9. Fencing and walls.

- (1) The design of fences and walls should be compatible with the architecture of the principal building(s) and should use similar materials.
- (2) All fences or walls 50 feet in length or longer and four feet in height or taller should be designed to minimize visual monotony by changing the plane, height, material, texture, or significant landscape massing.
- (3) Chain-link fencing is expressly prohibited in all front yards. When chain-link fences are used on side yards or rear yards, the fence shall be constructed of black vinyl-coated Schedule 40 pipe, and the chain-link fence shall be black vinyl-coated only.

10. Utilities.

- (1) All new utilities shall be underground.

11. Architectural standards.

- (1) Design compatibility includes complementary building style, form, size, color, materials, and detailing. In reviewing projects, the Planning Board shall consider each of the following principal features contributing to the identity of buildings within the TOPD:
 - i. Size: the relationship of the project to the site.
 - ii. Scale: the relationship of the building's various parts to each other.
 - iii. Massing: the relationship of the building's various parts to each other.
 - iv. Fenestration: the placement of windows and doors.
 - v. Rhythm: the relationship of fenestration, recesses, and projections.
 - vi. Setback: the relation of a building setback to its immediate surroundings.

- vii. Materials: the compatibility with other buildings in the TOPD, particularly those with historical significance.
 - viii. Context: the overall relationship of the project to its surrounds.
- (2) The following architectural design concepts are encouraged:
- i. Architectural design should be sensitive to the historical and/or architectural character of surrounding buildings.
 - ii. Multiple buildings on the same lot should be designed to create a cohesive visual relationship between the buildings.
 - iii. Blank wall areas and long, uninterrupted rooflines shall be avoided and should exhibit more detail and elements appropriate for close-range pedestrian view. Building surfaces over 40 feet in length should be relieved with changes of wall plane (i.e., recesses and projections) that provide strong visual interest.
 - iv. All sides of a building may have an impact on its surroundings and should be considered for treatment with an architectural finish. Architectural features, materials, windows, and articulation of a facade of a building should be continued on all sides visible from a street or public parking areas.
 - v. Building colors should be carefully chosen so that each building color complements that of its neighbors.
 - vi. The scale of a building should be compatible with the surrounding buildings.
 - vii. Pitched roofs with gables/dormers or symmetrically shaped parapet roofs are encouraged.
 - viii. Consideration should be given to the height of cornice lines or other expression lines.
 - ix. Where awnings are proposed, the use of canvas-type awnings on buildings is recommended to provide protection from sun, wind, and rain and to improve the aesthetics of the building exterior. Awning should be placed at a pedestrian scale, at a height of not more than 10 feet above ground level.

D. Split zoned parcels in the TPOD. Where a zoning district boundary line divides a lot or land, the district requirements on either side of the boundary may be construed, at the property owner's option, as extending up to 150 feet into the remaining portions of the property. Where a commercial district is extended into a residential district a 100-foot setback shall be maintained between any commercial uses on the site and any adjoining residential parcel.

E. Permitted Uses.

Within the TPOD, all of the underlying land use district regulations remain in effect, except that the following new uses are permitted:

1. **Assisted Living Facilities.** The following standards are established as the minimum/maximum requirements, as the case may be, but may be modified by the Planning Board where it is determined appropriate based upon consideration of particular circumstances of the individual application to satisfy the purposes and intent as set forth in Section A:

(1) Assisted Living Facilities meeting the following development standards shall be permitted within the mapped areas of the TPOD:

- i. Shall be located wholly within the mapped areas of the TPOD; and
- ii. Minimum lot area for an assisted living facility shall be 20 acres; and
- iii. Shall be connected to municipal sewer and water; and
- iv. Minimum dimensional requirements.
 - a. Maximum building height for ASL shall be 2.5 stories or 35 feet.
 - b. The minimum yard setbacks from all perimeter lot lines shall be 50 feet.
 - c. Minimum parking. Not less than one parking spaces shall be provided per dwelling unit.
 - d. Lot coverage shall be no more than 80 percent of the site.
 - e. Building coverage shall be no more than 25 percent of the site.

Supplemental development standards.

- i. The following improvements would be required for any ASL facility located within the TPOD:
 - a. Installation of a turning lane at the intersection of Route 376 and Route 52.
 - b. Installation of a traffic light at Route 52 and Hosner Mountain Road.
 - c. Extension of municipal water and sewer to service the facility.
 - d. Installation of sidewalks along the project frontage to support the development of the corridor as a walkable, emerging hamlet center.
- ii. An area or areas for outdoor recreational purposes shall be set aside exclusively for the use of the occupants and their guests. These areas may include, but are not limited to, sitting areas and group game areas. Such areas shall be shown on the site plan. In addition, indoor recreational areas must also be provided. The indoor recreational area shall be central to the entire facility and may be either attached to a residential building or be in the form of a multipurpose community building or buildings with rooms sufficient to accommodate indoor recreational facilities, social gatherings, meetings, etc.
- iii. Ancillary commercial uses including retail, professional office, personal service establishments and restaurant uses are permitted within the assisted living building or as part of the assisted living

campus provided that any one use does not exceed 5,000 sf in size and total commercial uses within an assisted living facility or campus do not exceed 15,000 sf. Any commercial uses proposed within an assisted living building shall be located on the first floor. Any stand-alone commercial buildings as part of an assisted living campus shall be architecturally consistent with the assisted living building and shall meet the bulk regulations of the underlying zoning with regards to setbacks. Parking requirements for commercial uses shall be calculated separately from the assisted living requirements and shall be determined in conformance with the standards of the East Fishkill zoning Code.

- iv. Adequate facilities shall be provided for the removal of snow, trash and garbage and for the general maintenance of the development. When the method of disposing of trash and other solid wastes is by means of industrial-type receptacles (dumpsters), all such receptacles shall be located on permanent masonry platforms which shall be well distributed to serve the development. All receptacles shall be suitably enclosed on three sides by opaque screening.
- v. Artificial lighting of the grounds shall provide illumination sufficient for the convenience and safety of the residents. However, such outdoor lighting shall not project light onto adjacent properties. No outdoor light source shall be mounted or erected more than 10 feet above the ground level underneath it.
- vi. Where full-time, twenty-four-hour superintendence services are not provided, a twenty-four-hour emergency phone number at which either managerial or maintenance personnel may be contacted shall be posted within each dwelling unit.
- vii. Medical and social service office space may be provided where the service to be rendered is exclusively for the benefit of the residents of the development only.
- viii. The determination of the need for screening buffers and fencing shall be made by the Planning Board in its site plan review, based on the characteristics of the site and the nature of adjacent lands.
- ix. Sidewalks shall be provided along all internal and external street frontages.

2. Mixed-Use Buildings.

(1) Residential uses may be allowed above commercial uses in the TPOD. Buildings in the TPOD District may include residential units as subordinate uses to primary ground floor commercial use subject to the following provisions:

- i. Up to five residential dwelling units are permitted on upper floors of buildings with commercial (nonresidential) space on the ground floor level. Residential units shall not be located on the first floor of

- the building, and each apartment shall contain all services for safe and convenient habitation meeting the New York State fire, building, health and environmental codes.
- ii. Any buildings with residential units shall be connected to municipal sewer and water.
 - iii. There shall not be any commercial uses on or above a floor that contains dwelling units.
 - iv. Residential units shall not be permitted over an auto service station or establishments storing or retailing flammable or fume producing goods.
 - v. Each residential unit shall be a separate dwelling unit with provisions for complete living, including sanitary and sleeping facilities for year-round use by one family.
 - vi. Residential units shall have access to the outside of the building, which must be distinct from the access to uses on the first floor. Access to dwelling units above the street level must be provided from an enclosed lobby or corridor and stairwell. A person entering a dwelling unit from the ground floor must not pass through the use located on the first floor of the building. Unenclosed or partially enclosed exterior stairwells are prohibited.
 - vii. Existing conversions must provide all required off-street parking for the dwelling units as well as the ground floor commercial space.
 - viii. Existing buildings converted to mixed-use with residential may be required to provide exterior property improvements as part of the site plan approval process, subject to site plan, landscaping, and architectural review.
 - ix. Balconies for any apartments created shall be constructed to give privacy to those using them as well as to shield those users and their personal effects (e.g., air conditioners, furniture, satellite dishes, banners, etc.) from the street.
 - x. The minimum floor area of each dwelling unit shall be:
 - a. 500 square feet for a studio apartment
 - b. 750 square feet for a one-bedroom apartment, and
 - c. 1,000 square feet for a two-bedroom apartment

3. Neighborhood Grocery Store (up to 15,000 sf)

4. Outdoor dining

- (1) Restaurants shall be permitted to operate outdoor cafes on sidewalks and in other outdoor areas provided that the site meets all New York State Building Code requirements and safe pedestrian circulation and building access is provided.
- (2) Outdoor dining shall not result in any deleterious effect on the public health, safety or welfare, or negative effect on adjoining businesses shall occur.

- (3) To reduce the potential for noises impacts to adjacent or nearby properties outdoor dining hours shall be limited to between 8AM and 9PM Sunday through Thursday and 8AM to 11PM Friday and Saturday.
- (4) When the associated indoor establishment is not open or the outdoor dining establishment is not in daily use, all furnishings shall be removed daily from public property.
- (5) Permission to serve alcoholic beverages at outdoor dining establishments shall be contingent upon the applicant obtaining written approval from the New York State Liquor Authority to serve such alcoholic beverages at the location of the outdoor dining establishment. Proof of such permission must be provided to the Building Inspector prior to the issuance of any special permit. Additionally, all alcoholic beverages to be served at an outdoor dining establishment shall be prepared in the interior of the establishment.
- (6) The restaurant shall not serve food or beverage to a patron at an outdoor dining facility unless that patron is seated at a table.
- (7) Outdoor cabarets and outdoor dining establishments in conjunction with a cabaret are specifically prohibited.

E. Prohibited Uses.

No building, structure, lot or land in the TPOD shall be used for any one or more of the following uses:

1. Any trade, industry or use which is noxious or offensive by reason of the emission of smoke, noise, gas, odor, dust, vibration, radiation or excessive light beyond the limits of its lot or by reason of generating excessive traffic with attendant hazards so as to be dangerous or prejudicial to the public health, safety, convenience or general welfare.
2. Any open storage of building materials, stone, lumber, coal, other fuels or other materials or products or parking of motorized or mechanized equipment.
3. Wholesale storage or warehouse building or sales of material at wholesale, other than by an office which maintains no wholesale stock on the premises.
4. Gas filling stations
5. Auto Sales
6. Motor vehicle repair and paint shops
7. Car wash
8. Outdoor storage and/or sale of secondhand vehicles
9. Outdoor wholesale or retail sales establishment
10. Self-Storage
11. Contractor's Yards

Section 3: Amendment to Schedule of Permitted Uses

The Schedule of Permitted Uses (194 Attachment 2) shall be updated to permit "Private swimming pools, tennis courts" in "B" Zones as an accessory use.

Section 4: Amendment to Schedule of Bulk Regulations

The Schedule of Bulk Regulation (194 Attachment 3) shall be updated to include the following note: "Private swimming pools and tennis courts as an accessory use shall meet

the bulk requirements of an R-1 Zone for any dwelling located in a “B” Zone.”

Section 5: Authority

The proposed local law is enacted pursuant to Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

Section 6: Severability

If any section or subdivision, paragraph, clause, or phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 7: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF EAST FISHKILL
CAROL HURRAY, TOWN CLERK**

**Adopted June 24, 2021
At a Regular Meeting
Held at Town Hall**

Motion to adopt a Local Law: Board Member Cassidy. Seconded: Board Member Franco. All voted in favor. Motion carried.

Approve Minutes:

May 27, 2021

Motion to approve the minutes for the May 27th, 2021 meeting: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there is one addition to the agenda. It is for the hiring of a Junior Civil Engineer.

Courtesy of the Floor:

Supervisor D'Alessandro asked if there was anyone who would wish to speak on

agenda items or town items.

Bill Green stated they have to close Red Wing Park for fishing on Wednesday night as the movie people will be bringing equipment in. They are planning on opening the gym at Lime Kiln Road on June 30. Hours will be different. They scheduled a bus trip to the local casino and resorts. They are working on Radio City Christmas Show and they did book Saratoga Raceway. They are scheduling concerts and Red Wing Park is open to full capacity. Camp, the golf program, and swim lessons all start Monday. He thanked the town Highway for helping with the net on Field Four. The pickleball courts have been fixed. There is an opening for a Recreation Director and he recommends Christine Selbach. Mr. Green asked when the electronic sign will be put in. Supervisor D'Alessandro stated it is being bid.

Resident #2 stated years ago she brought up a sandbox in one of the pocket parks. It has not been maintained. She would like this to be an item the Board discusses. Highway Superintendent Williams will check it out tomorrow.

Keith Dimaso had some questions regarding the presentation from Mark Debald. Supervisor D'Alessandro stated those have to be addressed with Mr. Debald. Mr. Dimaso spoke about storm water drainage and road repair in Hillside Lake and Covid relief funds. Supervisor D'Alessandro stated there are very specific uses for the Covid funds. He suggested Mr. Dimaso speak directly to Highway Superintendent Williams after meeting regarding specific road site issues.

Robert Grasso spoke about speeding issues.

Receive and File

Supervisor D'Alessandro said they have received the 2019 Annual Audit Report from Sickler, Torchia, Allen and Churchill, CPA.

Resolutions:

1. Authorize Police Officer Hiring

RESOLUTION (APPOINTING POLICE OFFICER)

WHEREAS, the Town Police Chief has identified a Police Officer vacancy in the Town of East Fishkill Police Department; and

WHEREAS, the Dutchess County Department of Human Resources has certified a list of qualified eligibles for our agency; and

WHEREAS, the Town Board has interviewed the candidate, recommended by the Town Police Chief; and

NOW, THEREFORE, BE IT RESOLVED, that Karl Vollmer is hereby appointed to the position of Police Officer at the annual salary of \$48,350, effective June 25, 2021; and

BE IT FURTHER RESOLVED, such person shall serve the required probationary period set forth in the Rules for the Classified Civil Service of Dutchess County.

Motion to authorize the Police Officer hiring: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro congratulated Karl Vollmer. Police Chief Bellino issued him his badge.

2. Award Highway Materials Bids

RESOLUTION **(AWARDING CERTAIN HIGHWAY BIDS)**

WHEREAS, the Town Board previously authorized the advertisement of bids for various materials and supplies utilized by the Highway Department; and

WHEREAS, the bids have been received by the Town Clerk and a summary has been prepared; and

WHEREAS, it is the desire of the Town Board to award said bids to the lowest responsible bidders first; and

NOW, THEREFORE, BE IT RESOLVED, that the bids for materials and goods for the Highway Department as set forth in the attached schedule are accepted and the Highway Department will utilize the lowest responsible bidder in each category first; and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify all bidders of said award.

Motion to award Highway Materials Bids: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

3. **Authorize one Police Officer to attend the New York Child Passenger Safety Technical Conference, the training will be from September 8 - 10, 2021 at the Saratoga Springs City Center**

RESOLUTION

(AUTHORIZING ATTENDANCE TO A TRAINING PROGRAM)

WHEREAS, the Chief of Police has indicated his desire to send one (1) Police Officer to attend the New York Child Passenger Safety Technical Conference, the training will be from September 8-10, 2021, at the Saratoga Springs City Center; and

WHEREAS, the expenses to the Town will be for the registration fee \$200/per person and the tolls and meals; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize the Police Chief to send one (1) Police Officer to attend the training course from September 8-10, 2021 at the Saratoga Springs City Center; and

BE IT FURTHER RESOLVED, that in addition to the cost of the registration, tolls and meals they shall be paid their normal salary during said period.

Motion to authorize a Police Officer to attend the New York Child Passenger Safety Technical Conference, the training will be from September 8 – 10, 2021 at the Saratoga Springs City Center: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

4. **Authorize Consent Formation of GlobalFoundries Water Works Corporation**

RESOLUTION

CONSENTING TO THE INCORPORATION OF HUDSON VALLEY RESEARCH PARK WATER-WORKS CORP. PURSUANT TO THE TRANSPORTATION CORPORATIONS LAW OF THE STATE OF NEW YORK

WHEREAS, a petition for consent to the incorporation of the Hudson Valley Research Park Water-Works Corporation, a proposed New York transportation corporation, was presented and duly filed by GLOBALFOUNDRIES U.S. 2 LLC (“GF”) with the Clerk of the Town of East Fishkill;

WHEREAS, pursuant to Section 41 of the Transportation Corporations Law of the State of New York, the consent of the Town Superintendent of Highways and a majority of the members of the Town Board is necessary in order to allow the transportation corporation to be formed;

WHEREAS, a short environmental assessment form was prepared and submitted by the applicant to the Town;

WHEREAS, the Town Board has reviewed the petition and reviewed the environmental assessment form;

WHEREAS, the existing water supply system would not be expanded to accommodate the formation of the water-works corporation;

WHEREAS, a water-works corporation formed pursuant to the Transportation Corporations Law should provide water service to serve separately owned parcels identified in the petition;

WHEREAS, the proposed Hudson Valley Research Park Water-Works Corporation is to operate the water supply facilities and serve the identified properties; and

WHEREAS, the creation of the water-works corporation will not change the obligations that GF now has to supply water to other properties in iPark 84 (“iPark”).

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of East Fishkill hereby grants its consent to the incorporation of the Hudson Valley Research Park Water-Works Corporation and authorizes the Town Supervisor to execute a Certificate to be appended to the Certificate of Incorporation of the Hudson Valley Research Park Water-Works Corporation, consenting to its incorporation, and directs the Town Superintendent of Highways to issue his consent.

Motion to authorize the consent for the formation of GlobalFoundries Water Works Corporation: Board Member Cassidy. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

5. Authorize Recreation Director to Hire Seasonal Replacement Staff

RESOLUTION

(AUTHORIZING THE HIRING OF SEASONAL RECREATION STAFF)

WHEREAS, the Town Board has previously authorized the hiring of Lifeguards and Camp Counselors; and

WHEREAS, during the season, the Recreation Director sometimes needs to fill additional Lifeguard and Camp Counselor positions; and

NOW, THEREFORE, BE IT RESOLVED, that it may be necessary for the Recreation Director to hire additional Lifeguards and Camp Counselor and will notify the Town Board of such hiring; and

BE IT FURTHER RESOLVED, that all said employment shall be Seasonal employment and that upon completion of their task, they shall be removed from the payroll.

Motion to authorize Recreation Director to hire seasonal replacement staff: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

6. Set a Public Hearing for September 23, 2021 to Consider a Local Law Restricting New Construction within Flood Plains.

RESOLUTION

(AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING TO CONSIDER LOCAL LAW RESTRICTING NEW CONSTRUCTION WITHIN FLOOD PLAINS)

WHEREAS, the Town Board is interested in considering a Local Law that would restrict new construction within flood plains area; and

WHEREAS, the board is interested in holding a public hearing to take comments regarding such a local law; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board shall conduct a Public Hearing at its regular meeting of September 23, 2021 at 7:00 P.M. at the Town Hall to consider hearing comments regarding a Local Law restricting new construction within Flood Plains; and

BE IT FURTHER RESOLVED, that the Town Clerk shall duly advertise said public hearing.

Motion to set a set a Public Hearing for September 23, 2021 to consider a Local Law restricting new construction within Flood Plains: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

7. Reschedule Public Hearing on Road Frontage Assessments for Properties on Route 52/Palen Road Traffic Improvement Area as well as Phillips Road for August 26, 2021

RESOLUTION
**(AUTHORIZING THE RESCHEDULING OF A PUBLIC HEARING TO
CONSIDER ROAD FRONTAGE ASSESSMENTS FOR PROPERTIES ON ROUTE
52/PALLEN ROAD TRAFFIC CONTROL AREA AND PHILLIPS ROAD)**

WHEREAS, the Town Board has previously opened a Public Hearing on Road Frontage Assessments for Properties on Route 52/Pallen Road Traffic Improvement Area and Phillips Road; and

WHEREAS, the board has adjourned such Public Hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board shall conduct an adjourned Public Hearing at its regular meeting of August 26, 2021 at 7:00 P.M. at the Town Hall to consider hearing comments regarding the above named subject; and

BE IT FURTHER RESOLVED, that the Town Clerk shall duly re-advertise said adjourned public hearing.

Motion to reschedule the Public Hearing on Road Frontage Assessments for properties on Route 52/Pallen Road Traffic Improvement Area as well as Phillips Road for August 26, 2021: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

8. Declare Police Vehicles Surplus and Authorize Disposal by Online Auction Services

RESOLUTION
**(DECLARING CERTAIN PROPERTY SURPLUS AND
AUTHORIZE THE AUCTION OF SAME)**

WHEREAS, the Police department has provided the Town Board with a list of vehicles which is deemed to be of no further use to the Town and thus, should be considered surplus; and

WHEREAS, the attached items are being requested to be declared surplus vehicles and sold by Absolute Auctions; and

WHEREAS, the Town Board has reviewed said list and concurs; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the vehicles specified hereby are declared to be surplus and are to be disposed of by participating in an auction process held by Absolute Auctions & Realty without cost to the Town.

Motion to declare Police vehicles as surplus and authorize disposal by Online Auction Services: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

9. Authorize Study Increasing Water Capacity at Beekman Water District

RESOLUTION
**(AUTHORIZING HIRING CONSULTANT FOR THE STUDY OF INCREASING
WATER CAPACITY FOR BEEKMAN WATER DISTRICT)**

WHEREAS, the need does exist to have water capacity increased at Beekman Water District; and

WHEREAS, the Town Engineer is requesting that he be able to hire a consultant to study the options available to facilitate such; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Engineer is hereby authorized to solicit quotes for such a study; and

BE IT FURTHER RESOLVED, that the Town Engineer is to submit quotes for such services to Town Board for further consideration.

Motion to authorize a study increasing the water capacity at Beekman Water District: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

10. Acknowledge Hiring Seasonal Laborer(s) at Highway Department

RESOLUTION
**(ACKNOWLEDGING HIRING OF SEASONAL LABORERS FOR THE
HIGHWAY DEPARTMENT)**

WHEREAS, the Highway Superintendent has identified the need to hire four Seasonal Laborers; and

WHEREAS, the Highway Superintendent has conducted the screening process and selected four candidates for said position;

WHEREAS, the Highway Superintendent has submitted a letter to the Town Board attached hereto;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby acknowledges the hiring of Nicholas Casablanca, Owen Fleischman, and Kevin Heckert at the hourly rate of \$17.00 as full-time Seasonal Laborer; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby acknowledges the hiring of the Seasonal Laborers, effective June 28, 2021 and

BE IT FURTHER RESOLVED, that that upon completion of their task, they shall be removed from the payroll.

Motion to acknowledge the hiring of Seasonal Laborer(s) at the Highway Department: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

11. Acknowledge the Promotion in Highway Department

RESOLUTION (ACKNOWLEDGE HIRE AT HIGHWAY DEPARTMENT)

WHEREAS, the Highway Superintendent has identified the need for a Senior Automotive Mechanic; and

WHEREAS, the Highway Superintendent has submitted a letter to the Town Board, requesting said position to be filled; and

WHEREAS, the Highway Superintendent has interviewed qualified candidates and recommends Justin Grabowski for said title; and

WHEREAS, such person possesses the minimum qualifications as determined by Dutchess County Human Resources;

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby acknowledges the appointment in the Highway Department; and

BE IT FURTHER RESOLVED, Justin Grabowski is hereby appointed to the title of Senior Automotive Mechanic, effective June 14, 2021 and will be paid pursuant to the CSEA Collective Bargaining Agreement Salary Schedule.

Motion to acknowledge the Promotion in the Highway Department: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

**12. Adopt Recreational Property Use Regulations
RESOLUTION**

**(SETTING PUBLIC HEARING FOR JULY 22, 2021 TO CONSIDER A LOCAL
LAW SETTING RULES & REGULATIONS
FOR USE OF TOWN'S RECREATIONAL PROPERTY)**

WHEREAS, it has been recommended by the Town Police Department that the Town Board establish some rules and procedures for those using the Town's Parks and Fields;

NOW, THEREFORE, BE IT RESOLVED, that the Board will hold a Public Hearing on July 22, 2021 on a Local Law setting rules and regulations for the use of Town Parks and Fields.

Motion to set a Public Hearing for July 22, 2021 to consider a Local Law setting Rules and Regulations with respect to Recreational Property: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

13. Award the John Jay Sewer Extension on Auditorium Drive Bid

**(AWARDING BIDS WITH RESPECT TO THE JOHN JAY SEWER EXTENSION
ON AUDITORIUM DRIVE)**

WHEREAS, the Town Engineer has previously had the Town Clerk advertise for the receipt of bids with respect to the John Jay Sewer Extension on Auditorium Drive; and

WHEREAS, said bids have been received and tabulated in the annexed schedule and have been reviewed by the Town Engineer; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby awards said bid to the lowest responsible bidder to which is B&K Excavating Inc.

Motion to award the John Jay Sewer Extension on Auditorium Drive Bid: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

14. Award the Resurfacing Roads in Hopewell North Water District Bid

**RESOLUTION
(AWARDING BIDS WITH RESPECT TO ROAD RESURFACING FOR
HOPEWELL NORTH WATER DISTRICT)**

WHEREAS, the Town Engineer has previously had the Town Clerk advertise for the receipt of bids with respect to the Road Resurfacing for Hopewell North Water District, and

WHEREAS, said bids have been received and tabulated in the annexed schedule and have been reviewed by the Town Engineer; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby awards said bid to the lowest responsible bidder to which is Intercounty Paving Company, Inc.

Motion to award the resurfacing of roads in Hopewell North Water District Bid: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

15. Authorize the closing of Red Wing Park for July 6 and 7 for the purpose of filming and set fees thereof

RESOLUTION

(FILMING FEES FOR EYE ON THE BALL ENTERPRISES INC. FOR JULY 6,7 & 8 AT RED WING PARK)

WHEREAS, there is a great desire to film in the Town of East Fishkill and Local Law 7 of 2020 has determined that fees will be set by Resolution of the Town Board and;

WHEREAS, Eye on the Ball Enterprises Inc. is producing a 10 episode comedy series titled: Life & Beth for Hulu has applied for a filming permit within the Town of East Fishkill. They are requesting to film at Red Wing Park on July 6, 7 and 8 2021. They will also be filming a scene at the intersection of Clove Branch Road and Beekman Road during either July 6 or July 7, and

WHEREAS, It is the Town Board's responsibility to set the fees for such filming at Public Property, and

THEREFORE BE IT FURTHER RESOLVED, that the fees for each day will be set at \$5,000 per day as well as \$800.00 fee for the permit, and

FURTHER RESOLVED, that the Police will bill separately for services rendered during the filming at the intersection of Clove Branch Road and Beekman Road.

Motion to authorize the closing of Red Wing Park for July 6 and 7 for the purpose of filming and set fees thereof: Board Member Beephan. Seconded: Board Member Franco. All voted in favor. Motion carried.

16. Authorize the Supervisor to sign an agreement with IntelliPay for credit card services for various departments

RESOLUTION

(AUTHORIZING THE SUPERVISOR TO SIGN AGREEMENT WITH INTELLIPAY FOR CREDIT CARD SERVICES)

WHEREAS, there is a need to enter into an agreement with IntelliPay for Credit Card Services for various department; and

WHEREAS, the Town Board is asked to authorize the Supervisor to sign the attached agreement with this firm; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute the agreement with IntelliPay as per the attached.

Motion to authorize the Supervisor to sign an agreement with IntelliPay for credit card services for various departments: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

17. Acknowledge the hiring of a Part-time Construction Equipment Operator in the Highway Department

RESOLUTION

(ACKNOWLEDGE HIRE AT HIGHWAY DEPARTMENT)

WHEREAS, the Highway Superintendent has identified the need to hire a Part-Time Construction Equipment Operator I; and

WHEREAS, the Highway Superintendent has submitted a letter to the Town Board, requesting said position to be filled; and

WHEREAS, the Highway Superintendent has recommended Thomas Walker for said title; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby acknowledges the appointment in the Highway Department; and

BE IT FURTHER RESOLVED, Thomas Walker is hereby appointed to the title of Construction Equipment Operator I at the hourly rate of \$31.01, effective June 17, 2021.

Motion to acknowledge the hiring of a part-time construction equipment operator in the Highway Department: Board Member Franco. Seconded: Board Member Marinaro. All voted in favor. Motion carried.

18. Acknowledge the hiring of a Part-time Laborer in the Highway Department

RESOLUTION

(ACKNOWLEDGE HIRE AT HIGHWAY DEPARTMENT)

WHEREAS, the Highway Superintendent has identified the need to hire a Part-Time Laborer; and

WHEREAS, the Highway Superintendent has submitted a letter to the Town Board, requesting said position to be filled; and

WHEREAS, the Highway Superintendent has recommended William Magee for said title; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby acknowledges the appointment in the Highway Department; and

BE IT FURTHER RESOLVED, William Magee is hereby appointed to the title of Laborer at the hourly rate of \$26.24, effective June 25, 2021.

Motion to acknowledge the hiring of a part-time laborer in the Highway Department: Board Member Marinaro. Seconded: Board Member Cassidy. All voted in favor. Motion carried.

19. Authorize the hiring of a Junior Civil Engineer

(AUTHORIZE THE HIRING OF A JUNIOR CIVIL ENGINEER)

WHEREAS, the Town Engineer has identified the need to hire a Full-time Junior Civil Engineer for the Town of East Fishkill; and

WHEREAS, the Dutchess County Human Resources has determined the candidate meets the minimum qualifications for the position; and

WHEREAS, the Town Board has interviewed the eligible candidate, recommended by the Town Engineer; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby appoints Raymond Hickey to the position of Junior Civil Engineer at the annual salary of \$60,000; and

BE IT FURTHER RESOLVED, that after a six month period, the salary will increase to \$65,000; and

BE IT FURTHER RESOLVED, the Junior Civil Engineer will commence work on July 6, 2021.

Motion to authorize hiring of a Junior Civil Engineer: Board Member Beephan.
Seconded: Board Member Cassidy. All voted in favor. Motion carried.

Additions to the Agenda by Majority Vote (if any):

Budget Transfer:

Supervisor D'Alessandro stated that would be held off for the evening.

Comments from Town Board Members:

Highway Superintendent Williams stated they had completed all of the major drainage on Dale Road and it's almost ready for paving. Foster Road, Duran, Rusk, and Larchmont have been completed. The docks are all in. The Jet VAC truck has been out every day it's not raining cleaning out catch basins and pipes. They are ready to pave Deerwood, Tamarac and Forest View.

Police Chief Bellino stated that the new employee assistance group has items that will pertain specifically to first responders in need of special services. He thanked the Board for that. There have been 1800 calls of service since the last meeting, 66 offenses, and 25 arrests. Officers Chiapperino and Nichols responded to an opioid overdose. The patient crashed in front of the officers and they administered several doses of Narcan and saved the victim's life. The Police Department did spend some time in Hillside Lake last year. They are currently doing speed enforcement in some other areas. They have been enforcing the weight limitation on Miller Hill Road. It is a 5-ton weight limit. DWI arrests have doubled in the last few months. The film crew company may be doing short filming at the intersections of Beekman Road, Clove Branch Road and Carpenter Road on July 6 or 7. There will be intermittent closures at that intersection between 6 PM and 10 PM. Three new vehicles are in service. He thanked New York State for their assistance with revamping the parking lot entrances from the police station and tax office on to Route 52 to prevent vehicles from bottoming out. For next year's budget they're looking at body cameras for officers and software for the department.

Board Member Beephan wished everyone a late happy Father's Day. He thanked the Fire Department, Police Department, and EMS. He thanked Highway for

everything they do for Recreation. He wished everyone a safe and happy Independence Day.

Board Member Franco thanked the Highway Superintendent and Chief of Police. He thanked Board Member Cassidy for the annual backyard Olympic fundraiser. It is a great event every year. He hopes that things have evened out and people will support our local restaurants.

Board Member Marinaro congratulated Kerry Cahill and John Morgan for their election as Board of Trustees for the Wappinger's School District. There are three East Fishkill members on that board. He did meet with the members of the Wappinger school district last week to address spending and the high cost of education and to see if they can find ways to reduce the tax burden to the community. Board Member Marinaro will be attending school district meetings. There was also a meeting with Dr. Bonk, the Superintendent of Wappinger School District regarding budget issues and reducing the cost to the taxpayers. Board member Marinaro spoke to the Highway Superintendent regarding some noise disturbances in certain communities. He has also spoken to the Chief of Police.

Board Member Cassidy congratulated all the high school seniors on their graduation. He hopes everyone has a safe and enjoyable summer.

Supervisor D'Alessandro wished everyone a happy Fourth of July.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 9:29 PM: Board Member Cassidy. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Town Board Meetings:

**Regular/Workshop:
Regular Meeting:**

**July 22, 2021
August 26, 2021**

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Carol A. Hurray
– July 7, 2021